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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,294	04/09/2001	Marija D. Illic	0492611-0388	8883
24280	7590	07/19/2006	EXAMINER	
CHOATE, HALL & STEWART LLP TWO INTERNATIONAL PLACE BOSTON, MA 02110			WEISBERGER, RICHARD C	
			ART UNIT	PAPER NUMBER
			3693	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/688,294	ILIC ET AL.
	Examiner Richard C Weisberger	Art Unit 3624

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_ is/are rejected.
- 7) Claim(s) 1-18 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/08

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 2 and 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The limitation technical flow subject to Kirchoff's Current Law is non-statutory as a limitation directed to a law of nature are nonstatutory.

1. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The step of "synchronizing the bid curves" is vague and indefinite. Clarification is requested as to the pseudo algorithm stores in the memory of the computer causing this step.

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The step of “iterate information with the selling and purchasing entities” is vague and indefinite. Clarification is requested as to the pseudo algorithm stores in the memory of the computer causing this step.

The claim inter-regional is vague and indefinite in that it is subjective. Clarification is requested as to the limitation “regional”.

Claim 6 is in improper Markush form.

Claim 7 is vague and indefinite. Clarification is requested as to the pseudo algorithm stores in the memory of the computer causing this step.

The step of claim 8 is vague and indefinite. Clarification is requested as to the pseudo algorithm stores in the memory of the computer causing this step.

The step of claim 2 and 10 are confusing. The it is not clear how one sums up the units of the terms claimed therein.

Claims 16-18 are vague and indefinite for failing to claim at least one operative step.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Llic Electric Power Systems Operation by Decision and Control.

The following limitation are taught by the cited article:

A tie-line flow control system comprising: a computer having a central processor that executes instructions, a memory for storing the instructions to be executed, a means for communicating information; and said instructions stored in the memory of the computer causing the central processor to: receive request bid curves for inter-regional transactions from selling entities; receive demand bid curves for inter-regional transactions from purchasing entities; synchronize the bid curves at a selected time interval; between synchronizing intervals, iterate information with the selling and purchasing entities to ensure clearing of supply and demand bids at a clearing time so that tie-line real and reactive power flows on the tie-lines interconnecting the selling entities are the same; communicate to the selling and purchasing entities accepted tie-line flow quantities and corresponding prices at the clearing time; and ensure that all inter-regional transactions clear as agreed upon in the previous synchronized interval.

See entire document, particularly page 32. But see 112nd rejections.

The system of claim 1, wherein the clearing of supply and demand bids comprises application of a clearing algorithm minimizing, subject to a technical flow law based on Kirchoff's Current Law, a sum of: deviations between tie-line flow controlled by the selling entities and tie-line flow caused by all inter-regional transactions; a charge related to the price of tie-line flow controlled by the selling entities; and a benefit related to the use of tie-line flows and paid by all inter-regional transactions. But see 112nd rejections. Moreover, See 101 rejection.

wherein the purchasing entities comprise inter-regional transactions. See entire document, particularly page 32. But see 112nd rejections.

Wherein the selling entities comprise transmission providers, control areas, and independent system operators. See entire document, particularly page 32. But see 112nd rejections.

Wherein the selling entities comprise control areas only. See entire document, particularly page 32. But see 112nd rejections.

Wherein the selected time interval may be hourly, daily, weekly, monthly and/or seasonally. See page 32.

Wereby the computer facilitates implementation of transmission contracts for purchasing entities. See page 32.

Wereby the computer provides coordinated reliability management through non-uniform reliability provisions which are a function of the selling entities' regulatory and an optimal tariff structure. See entire document, particularly page 32. But see 112nd rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached the hours of Maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vince Millin can be reached on 571 272 6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Richard C. Weisberger  
Primary Examiner  
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